

## PART II.] COLONY OF NEW PLYMOUTH.

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tions as you have or shall from time to time receive from the Councell of warr in psuance whereof all Captaines Inferior officers and souldiers are heerby required to be in Reddy subjection to you during your continuance in the said Office which shalbee untill the Councell of warr shall see cause otherwise to order ;

Given under our hand and Seale.

T P President with the Consent of the rest of the Councell of Warr.

Enacted that every towne that shalbee defective in the want of a drum att any time for the space of two monthes shall forfeit the sune of forty shillings to the Collonies use that shalbe defective in Coulbers the space of six monthes four pounds.

Penalty for a town to be without a drum.

That every Towne provide halberts for their serjeants of their milletary Companie ;

Every town to provide halberts.

That a considerable Companie of half pikes be provided in every towne att the charge of the township viz: where 80 men are able to beare armes there twenty to bee provided and soe proportionable to their number bee they greater or lesser ;

A company of half pikes to be provided in every town.

## THE OATH OF A CLARKE OF A MILLETARY COMPANIE.

You shall faithfully serve in the office of a Clarke of the Milletary Companie of &c. for this p'sent yeare during which time you shall diligently attend such sett times of training as your officers shall appoint you shall keep an exact list of the names of your whole Companie and take notice of all such defects as shall arise by the breach of any wholesome order or orders made by the said Companie and gather in all such fines as belonge thereunto and give a just account therof to the Companie or such as they shall appoint: Soe heelp you God &c.

Enacted that such as are chosen Clarke of any Milletary Companie shalbee sworne and any that shall refuse to serve as Clarke for one yeare being chosen, shalbee fined twenty shillings; and he that is next chosen and serves to have the said sune ;

Penalty for declining to serve as clerk of a military company.

It is enacted by the Court and the authoritie thereof that a fourth part of each Milletary Companie in this Jurisdiction shall every Lords day carry their armes to the publicke meeting in the Township where they dwell viz: some serviceable peece and sword and three charges of powder and bullets on paine of the forfeiture of 2 shillings and six pence for each daies neglect; and this to bee observed from the first of March to the last of November yearly: these defects to bee gathered by the Milletary Clarke and the Cunstable to the use of the Companie. It is further enacted by the Court that the cheife

A fourth part of each military company to carry their arms to meeting on the Lord's day.

## SUMONS WITTNESS.

Selectmen may  
summons wit-  
nesses from other  
towns.

Wheras we find noe provision in the law to obtaine any witnes out of any other towne to bringe evidence in any case that is depending out of the Towne where the witnes lives, it shalbe lawfull for either plaintiffe or defendant to require a subpena of any Celectman of the same Towne where the witnesses live to require any pson to appeer before some one of the Celectmen of the same Towne ; to give evidence before some one or more—whoe shall convey it to the Celect Court of that Towne where the case is depending.

Penalty for refus-  
ing to testify  
when summoned  
as a witness.

If any pson be legally subpenaed to give in his evidence before any Celect Court or Celectmen, and shall either refuse or neglect to give in his evidence, being capeable to give evidence in the case ; shall pay for every such default, a fine of twenty shillings ; to the use of the ptie wronged ; for want of such evidence.

## MILITARY.

All offices in the  
military compa-  
nies to be filled.

It is enacted by the Court in reference unto Milletary discipline That all the Milletary Companies in this Govrment be made compleat in their officers of as able and fit men as they may be.

Soldiers to be  
furnished with a  
sword or cutlass.

It is enacted by this Court That every souldier in this Jurisdiction that beares armes be with all convenient speed furnished with a compleat sword or cutlas.

## CHOICE OF SELECTMEN.

Selectmen how to  
be chosen and  
sworn.

It is ordered by the Court and the authoritie therof that the choise of Celectmen be specified in the warrants that are sent downe to the severall Townes for the choise of his Ma<sup>ties</sup> officers ; and their names to be returned unto the Court under the Constables hand and to be called in Court to take their oath as is in such case provided ; and if incase any providence prevent their appeerance then to appeer before some Majestrate of this Govrment ; within one month after the said Court to take oath under the penalty of twenty shillings further it is enacted by this Court That each Towne of this Govrment doe provide a booke wherein shall be entered all those orders of Court as are or shalbe made for direction of said Celect Courts by the Secretary being first to enter all said lawes in each of the said bookes or send coppies therof to each Towne.

Each town to pro-  
vide a booke of  
records for the  
select courts.

The military offi-  
cers directed to  
see that one fourth  
part of each com-  
pany bring their  
arms to meeting  
on the Lord's day.

It is ordered by this Court that the Comission officers of the Milletary Companies of each Towne in this Govrment doe take care that one fourth pte of said Milletary Companies doe bringe their armes fixed to the Meetings every Lords daye ; with every souldier bearing armes six charges of powder same shott viz begining from the

beginning of Aprill to the end of October yeerly and every yeer as well in times of peace as warr ; onely in times of danger they shalbe increased as the Milletary Comaunders and Towne Councell shall see cause and that such as palpably neglect or refuse to p<sup>r</sup>forme theire duty therin shall forfeite two shillings for every such neglect ; and ten shillings incase it appeers to be in contempt ; To be gathered by order from the Comission officers to the Constable, and where it appeers that any doe ordinarily and p<sup>r</sup>posely keep from meeting because they would not bringe theire armes as aforesaid to be summoned to the Court to have such reasonable fines as to the Court shall seem meet, savinge such townes wherby agreement amongst themselves they have such a number of men proportionable to aforesaid order constantly to carry theire armes on every Lords day to the meetings.

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1682.

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Lawes and orders made by the Generall Court holden att Plymouth July the 7, 1682.

INDIANS.

With reference to the Indians for theire better regulating and that they may be brought to live orderly soberly and dilligently.

First—It is enacted by the Court and the authoritie therof, That in each Towne of this Jurisdiction where Indians live ; some one able descreet man be appointed by the Court of Assistants from time to time as oftens as need shall require to take the oversight and Gov<sup>r</sup>ment of the Indians in the said Towne according to such lawes orders and instructions as are or shalbe made and given by the Generall Court.

An overseer of the Indians to be appointed in each town where they live.

It is ordered by the Court that the said overseer with the Tithingmen in that Towne shall have power to heare and determine all causes that may happen betwixt Indian and Indian Capitalls and titles unto lands onely excepted alwaies allowing liberty of appeale to any p<sup>r</sup>ty greived att theire Judgment to the Court of Assistants.

The overseer and tythingman of the town may determine certain causes between the Indians.

It is enacted by the Court ; That the said overseer shall have power by warrant under his hand to comaund any English Constable in his Township and all Indian Constables whatsoever to arrest attack summons & serve executions on the body or goods of any of the Indians for any matter or cause that may in his Court be heard and determined.

The overseer may command constables to serve legal processes.